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DEPARTMENT FOR NEA/ELA, NEA/PI, DRL/NESCA  
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SUBJECT: EU AGREEMENT INVITATION MEETS SYRIAN DEMAND TO  
STUDY DOCUMENT AND ARREST OF HUMAN RIGHTS LAWYER

REF: A. DAMASCUS 00534

[1](#)B. DAMASCUS 00604

[1](#)1. (C) Summary: Following the Swedish Ambassador's October 14 delivery of an invitation to attend the October 26 signing ceremony for the Syria-EU Association Agreement, FM Muallim brusquely asserted Syria needed more time to study the text. On the same day, Political Security agents arrested Haitham Maleh, attorney for imprisoned lawyer Muhanad al-Hasani (ref A), in his office, one day after the chief prosecuting judge issued formal criminal charges against Hasani. The coincidence of Maleh's arrest and Muallim's remarks has sparked debate over whether (1) Syria is serious about signing the Association deal; (2) whether Syria is defying an EU consensus stipulating that human rights be explicitly recognized in the implementation of the agreement; and (3) whether there is a campaign by some Syrians to forestall an October 26 signing. Some observers believe Maleh's arrest also represents an effort by the Political Security Directorate (PSD) to reassert its role at the expense of the General Intelligence Directorate (GID). End Summary.

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Arrest of Maleh  
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[1](#)2. (C) Activists and diplomats quickly circulated news of the October 14 arrest of lawyer and long-time activist Haitham Maleh. Reportedly, PSD had contacted Maleh on October 13 and asked him to come to its offices, but Maleh refused to comply. On October 14 he went to work in the morning as usual and at some point around 14:00, he disappeared. It now remains to be seen whether PSD wants merely to frighten Maleh, or intends to level criminal charges against him.

[1](#)3. (C) Syrian Human Rights Organization (SWASIAH) activist Catherine al-Tali (strictly protect) told us Maleh's defense of Hasani represented the root cause for the PSD action. She also predicted more arrests, particularly of public intellectuals with anti-regime positions regarding Lebanon and Iraq, would follow. In a separate meeting, however, Damascus Declaration operative Fawaz Tello (strictly protect) argued the Hasani case was only part of the issue. Tello pointed out that over the last few weeks Maleh had published increasingly harsh condemnations of the regime in Levant News. Then, on October 13, Maleh appeared on Barada TV, a television channel that broadcasts news programming in support of the Syrian political opposition.

14. (C) Syria-based Reuters correspondent Khalid Oweis (strictly protect) informed us that Maleh's detention, along with the ongoing prosecution of Muhanad al-Hasani, indicated a new crackdown by SARG security that could only come from the top. Two weeks ago, Oweis himself, who is a Jordanian national, was called in by security agents for questioning. Oweis was incredulous in describing his interview. He said that when he expressed surprise that a non-Syrian journalist would be questioned, the agents reportedly replied, "Don't worry, we just want to get to know you." Oweis said this was the first time security had called him in, and that it did not bode well for Syrian civil society in general.

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Muallim's Remarks Spark Uncertainty  
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15. (C) The Swedish Ambassador, who had not yet received a full readout of Spanish PM Zapatero's October 13 meetings with President Asad and others, reacted negatively on October 15 to FM Muallim's press remarks the preceding day regarding a document from Brussels announcing EU consensus on signature of the Syrian-EU Association agreement. The document, signed October 9, stipulated that signature would acknowledge an understanding that implementation of the agreement's provisions on human rights would be necessary for implementation of other chapters. Muallim commented during Zapatero's visit that "The EU approval was surprising to us, so the Syrian government should study the agreement in all its details." Muallim added that, if the SARG finished studying the agreement during the Swedish presidency, "we

will sign it (then) or . . . during the Spanish presidency. Both countries are our friends."

16. (C) The Swedish Ambassador said his Foreign Minister was seeking clarification on whether this statement was aimed at domestic audiences, or if it signaled Syria's intention attend the signing ceremony. The Ambassador reported his October 14 meeting with V/FM Faisal Miqdad, to whom he had delivered Muallim's signing ceremony invitation, was cordial and positive. Miqdad, the Ambassador reported, had thanked Sweden for actively pushing the Syrian-EU agreement. The Ambassador Swedish said he raised concerns with Miqdad about Muhanad al-Hasani's case, to which Miqdad replied "This is the first I've heard of it." The Ambassador described Muallim's press remarks as a "splash of cold water" on the signature ceremony, but he was still hopeful Muallim would, in the end, accept the invitation.

17. (C) The UK Ambassador separately assessed that Muallim's reaction signaled Syria's unhappiness with the EU's decision to highlight human rights and incorporate language allowing for the suspension of the agreement. Syria, he predicted, would postpone the October 26 signing ceremony at the last minute and then wait for the EU under the Spanish presidency to come groveling. "That won't happen," he asserted confidently.

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The EU and Human Rights Concerns  
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18. (C) Other diplomats saw a linkage between Maleh's arrest and Muallim's tough statement. The Dutch Ambassador, upon being alerted to Maleh's arrest by Pol/Econ Chief and the Swedish Ambassador during an October 15 UNDOF ceremony in the Golan Heights, said "this will go over badly in the Netherlands." Maleh was a close contact of the Dutch Embassy and the 2006 winner of the Netherlands Geuzen medal, which is awarded yearly by the Geuzen Resistance Foundation for special contributions to the defense of democracy. The Dutch Ambassador said he feared the Germans, French, and Spanish would attempt to shift blame for Syria's escalating crackdown on human rights activists over the last two months to the Dutch, who insisted on making human rights an issue during

the EU debate on the association deal. The Ambassador shook his head in disappointed dismay, noting that this logic was faulty because the Syrians were cracking down even when the EU Association Agreement was not in play. The Swedish Ambassador suggested that there were elements inside the Syrian Government trying to torpedo the EU-Syrian agreement. That, he said, might help to explain why the SARG arrested Maleh in such a conspicuous and seemingly defiant manner.

¶9. (C) The EU Mission suggested a more benign interpretation. Our EU contact told us he was "confused" by the proximity of events, and hoped that Maleh's arrest and Muallim's press remarks were a reaction to the EU's "unprofessional handling of the signing announcement." The officer explained that Syria learned first of the invitation through an October 8 French Press Agency article. The announcement of the EU agreement on the association deal was not delivered to the Syrian Brussels-based delegation until October 12, and then to FM Muallim on October 13. Muallim's lukewarm reception of the news may, the officer speculated, simply be payback for a perceived slight. The Maleh arrest, he added, would certainly complicate matters on both sides of the agreement. He continued, coyly, "you know, with any agreement there are elements on both sides who want to obstruct progress."

¶10. (C) Another explanation of Maleh's arrest may be internal rivalries within Syria's ubiquitous security services. PSD's role has been largely subservient to GID in suppressing internal opposition for last few years, according to civil society activist Fawaz Tello. PSD, whose ranks were previously considered untouchable, recently suffered public humiliation when approximately 10 of its members were indicted for corruption, he reported. Tello suggested PSD was trying to reassert itself. "To touch someone like Maleh, a realignment of power must have taken place," commented Tello.

¶11. (C) Comment: Saudi King Abdullah's October 7-8 visit, the October 13 inauguration of the Turkish-Syrian High Level Strategic Cooperation Council, and the October 15 visit of Spanish PM Zapatero have boosted Syria's confidence enough to propel FM Muallim to announce the need to study an agreement that his country desperately wanted -- at least at one point -- and has been negotiating off-and-on for five years. To be sure, many prominent Syrians take a dim view of the agreement because of its association with efforts to isolate Syria. There are also pockets of stubborn resistance to the economic reforms that would be required by the association agreement. Showing the EU that Syria intends to deal with it on equal terms may help to quiet Syrian critics of the deal later on. Whether Muallim's hubris will yield to more calculated internal deliberations remains to be seen. Our guess is that Syria now sees itself in a dominant position. Even if October 26 passes without a signing ceremony, Syria can still count on its relations with France, Germany, and Spain, all of whom would probably be willing to push the agreement under Madrid's EU presidency. Maleh's arrest is yet another defiant gesture indicating the SARG has no intention of yielding to the EU's or anyone else's concerns about Syria's problematic human rights record.

HUNTER